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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/706,818      | 11/12/2003  | Masami Yoshida       | 0072-TS44           | 6965             |

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EXAMINER

ILAN, RUTH

ART UNIT PAPER NUMBER

3616

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/706,818

Applicant(s)

YOSHIDA ET AL.

Examiner

Ruth Ilan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-100 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,8,16,51,54,58 and 66 is/are rejected.
- 7) ☒ Claim(s) 5,6,20,40-42,46,47,55,56,70 and 90-92 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/12/03 4/1/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Continuation of Disposition of Claims: Claims withdrawn from consideration are 2,3,24,28,32,33,36,43-45,48-50,52,53,74,78,82,83,86 and 93-100.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Species IV, Figures 12-18, 34, and 35 in the reply filed on March 3, 2006 is acknowledged. Upon further consideration the restriction requirement with respect to Figures 30-33 has been withdrawn. These figures are drawn to various mounting arrangements for the flange, and are not considered to be patentably distinct.
2. Regarding claims 25-27, 29-31, 34, 35, 37-39, 75-77, 79,80,81, 84,85, and 87-89 these claims are directed to a non-elected species, but depend from claims that contain allowable subject matter, and as such they will be examined. It is further noted that these claims have 112 1<sup>st</sup> issues associated with them, as will be discussed below.
3. Claims 2, 3, 24, 28, 32, 33, 36, 43-45, 48-50, 52, 53, 74, 78, 82, 83, 86, and 93-100 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

### ***Priority***

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Objections***

6. Claim 1 is objected to because in the last line, "space" should be "spaces".

Claims 8, 9, 10, 11, 58, 59, 60, and 61 are objected to because of the following informalities: in line 2 of each of these claims "flame" should be "frame". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 7, 10, 11, 14, 15, 18, 19, 22, 23, 25-27, 29-31, 34, 35, 37-39, 60, 61, 64, 65, 68, 69, 72, 73, 75-77, 79-81, 84, 85, and 87-89 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Regarding claim 7, there is not an embodiment that includes both the yoke and the chamfered portion. Regarding claims 25, 29, 27, 37, 35, 31, 39 and 75, 79, 77, 87, 85, 81, and 89, there is not an embodiment that includes both the chamfered magnet and the case. Regarding claims 26, 76, 30, 80, 34, and 88 there is not an embodiment that includes both the yoke and the case. Regarding claims 10, 11, 14, 15, 18, 19, 22, 23, 60, 61, 64, 65, 68, 69, 72 and 73 these claims include mixed embodiments because they mix the iron yoke with other frame features which are not disclosed as used together. Regarding

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these claims, there is not an embodiment that includes both the iron yoke and either a frame portion that receives the magnet in it, or the protruding inwardly portion, or the recess, or the spaced apart rising pieces as claimed in combination with the yoke in these claims.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1 and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Pinkos et al. (US 6,351,994.) Pinkos et al. teaches a position sensor system provided at a slidable vehicle seat (38) for sensing seat position in zones and facilitating control of the operation of a vehicle passenger restraint device according to a position of the vehicle seat (see col. 1, lines 37-40.) The vehicle seat includes a pair of substantially parallel slide rails with upper rail members attached to the lower portions of the vehicle seat (50) and supported to said lower rail members (40) so that the vehicle seat can be moved along the lower rail members, where the upper and lower rail members define inner spaces and the position sensor system (10, 24) is disposed in the inner space (see Figure 6a.)

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11. Claims 1, 4, 8, 16, 51, 54, and 58 and 66 are rejected under 35 U.S.C. 102(e) as being anticipated by Ventura et al. (WO 03/008227 A1.) Ventura et al. teaches a position sensor system provided at a slidable vehicle seat (10) for sensing seat position in zones and facilitating control of the operation of a vehicle passenger restraint device according to a position of the vehicle seat (see Figure 1.) The vehicle seat includes a pair of substantially parallel slide rails with upper rail members attached to the lower portions of the vehicle seat (30) and supported to said lower rail members (28) so that the vehicle seat can be moved along the lower rail members, where the upper and lower rail members define inner spaces and the position sensor system (50, 68) is disposed in the inner space (see Figure 3.) Regarding claims 4 and 54, the magnet (50) is disposed in the upper rail (in that it is surrounded by the arms (42) of the upper rail. Regarding claims 8 and 58, on page 6, line 11, Ventura teaches that magnet can be secured within a frame "portion" (as broadly claimed) of the lower rail. Regarding claim 16 and 66, as broadly recited, the bottom rail forms a recessed portion (bottom of the U shape.)

#### ***Allowable Subject Matter***

12. Claims 5, 6, 20, 40-42, 46, 47, 55, 56, 70, and 90-92 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

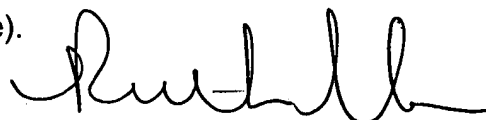
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13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tokunaga et al., Clancy, III et al., Wolfe, Becker, and Becker et al. teach seat sliding mechanisms of interest.

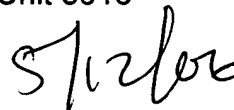
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 571-272-6673. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ruth Ilan  
Primary Examiner  
Art Unit 3616



RI  
5/12/06